



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES

Complainant

v.

COOS COUNTY COMMISSIONERS

Respondent

CASE NO. A-0501.

DECISION NO. 84-42

#### APPEARANCES

##### Representing American Federation of State, County and Municipal Employees

Gary Foster, Administrator  
James C. Anderson, Executive Director  
Jeanne Moulton-Green, Project Organizer

##### Representing Coos County Commissioners

Alan Hall, Esq.

##### Also present

Noella Cote  
Judi Klebe

Jean Crawford  
Frederick W. King

Pamela Gadwah-Cross  
Gloria Gray  
Gloria Sweati

#### BACKGROUND

On March 5, 1984, AFSCME, Council 68 (Union) filed a complaint against Coos County Commissioners and Frederick W. King, Superintendent of the Coos County Nursing Home alleging improper practices in violation of RSA 273-A:5 I (a) "to restrain, coerce or otherwise interfere with its employees in the rights conferred by this chapter" and (b) "to dominate or to interfere in the formation or administration of any employee organization".

Specifically, the Union alleges that subsequent to the opening of a campaign by AFSCME, Council 68, to organize the workers of the Coos County Nursing Home, on January 13, 1984, Mr. Frederick W. King called a "voluntary meeting" for all staff on Monday, February 6, 1984 at 3:00 p.m. At the meeting, alleges the Union, Mr. King "took advantage of the opportunity to voice his position about the Union and the Coos County Nursing Home employees organizing with the Union". Following the meeting, which was held in the Nursing Home Chapel, the Union requested the use of the Chapel, "equal access" and "equal time" to speak with the employees on

the Union's behalf. Mr. King denied the request and the Union alleges these actions and denial of "equal access" and "equal time" are unfair labor practices under RSA 273-A:5 I (a) and (b).

The Coos County Commissioners and Frederick W. King, the Superintendent (County) responded by denying any violation of RSA 273-A took place and specifically stated: that the meeting referred to was called by Mr. King at the request of certain employees; that attendance at the meeting was voluntary; that the meeting was held at the Chapel but denies that the Chapel is "...a public area within the Nursing Home" and that for Mr. King to voice his opinion is not an unfair labor practice (citing Appeal of the American Federation of State, County and Municipal Employees, AFL-CIO, Local 298, 121 N.H. 944 (1981)). Further, while agreeing that the Union asked for "access" and "equal time", pointed out that the request had been referred to counsel and, on February 29, 1984 denied the Union's demands.

A hearing was held on the matter on April 19, 1984 at the PELRB's office in Concord, N.H. with all parties represented.

#### FINDINGS OF FACT AND RULINGS OF LAW

At the hearing the County moved to dismiss the complaint and PELRB decided to confine the hearing to the motion to dismiss, given no very substantial disagreement on the facts:

1. A meeting was held in the Chapel on February 6, 1984 (and Mr. King testified it was at the request of some of the employees) at which Mr. King did express his opinion about the Union (he "could live with or without the Union", he testified he said)
2. The Union asked for "equal access" and "equal time" and was denied their request

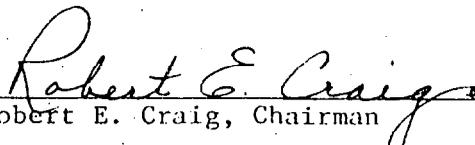
Testimony at hearing established that the Chapel had been used by the County delegation for a meeting which was in its nature, open to the public but that no other public groups were permitted to use the Chapel. The Chapel is located in what might be described as the administrative section of the first floor wing and as such is part of the internal structure of the Nursing Home (although there is more than one entrance/exit).

PELRB finds that for the purpose of deciding this case the Chapel is part of the Nursing Home and cannot be considered a "public place". We hold that the Union has limited access to the employer's premises and that this includes the right of access to public places such as parking lots, walkways, etc. as well as to internal bulletin boards within the employer's premises in order to insure that all employees are aware of the organizing drive and its meetings, arguments, etc. The right to public places and certain "private" areas, however, is not a blank check to visit any part of the employer's premises. In this case, the Chapel is part of the employer's place of business, not generally open to the public and is, therefore, not open to the Union organizers.

During the hearing, the Union made clear it considered Mr. King's statements as an unfair labor practice. We can find no firm grounding for this principle. The employer and the Union are entitled to their opinions and as long as they are in accord with truth and fairness they cannot be construed to be an unfair labor practice.

DECISION

The motion to dismiss is hereby granted and the complaint is hereby dismissed.

  
Robert E. Craig, Chairman

Signed this 9th day of May, 1984.

By unanimous vote. Robert E. Craig, Chairman presiding; members Richard W. Roulx, Russell Hilliard and Seymour Osman present and voting. Also present, Evelyn C. LeBrun, Executive Director.